

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 293

Short Title: Adoption Law Changes.

(Public)

Sponsors: Representative Stevens (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary III.

March 19, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES UNDER THE LAWS PERTAINING TO
3 ADOPTION.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 1 of Chapter 48 of the General Statutes is amended by adding
6 a new section to read:

7 "**§ 48-1-108A. Adoptees subject to the Hague Adoption Convention.**

8 If the adoption of the adoptee is subject to the Convention of 29 May 1993 on Protection of
9 Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention),
10 the provisions of the Hague Adoption Convention shall control the individual's adoption.
11 Documentation establishing whether the Hague Adoption Convention applies to an adoptee
12 may be filed and copies thereof may be certified by the court before or after the decree of
13 adoption has been granted."

14 SECTION 2. G.S. 48-1-109(c) reads as rewritten:

15 "(c) An order for a report to the court must be sent to a county department of social
16 services in this State, an agency licensed by the Department, or a person or entity authorized to
17 prepare home assessments for the purpose of adoption proceedings under the laws of the
18 petitioner's state of residence. If the petitioner moves to a different state before the agency
19 completes the report, the agency shall request a report pursuant to the Interstate Compact on the
20 Placement of Children under Article 38 of Chapter 7B of the General Statutes from a person or
21 entity authorized to prepare home assessments for the purpose of adoption proceedings under
22 the laws of the petitioner's new state residence."

23 SECTION 3. G.S. 48-2-100(c) reads as rewritten:

24 "(c) The courts of this State shall not exercise jurisdiction under this Chapter if at the
25 time the petition for adoption is filed, a court of any other state is exercising jurisdiction
26 substantially in conformity with the Uniform Child-Custody Jurisdiction and Enforcement Act,
27 Article 2 of Chapter 50A of the General Statutes. However, this subsection shall not apply if
28 within 60 days after the date the petition for adoption is filed, prior to the decree of adoption
29 being granted the court of the other state dismisses its proceeding or releases its exclusive,
30 continuing jurisdiction."

31 SECTION 4. G.S. 48-2-206 reads as rewritten:

32 "**§ 48-2-206. Prebirth determination of right to consent.**

33 (a) At any time after ~~six~~ approximately three months from the date of conception as
34 reasonably determined by a physician, the biological mother, agency, or adoptive parents
35 chosen by the biological mother may file a special proceeding with the clerk requesting the



1 court to determine whether consent of the biological father is required. The biological father
2 shall be served with notice of the intent of the biological mother to place the child for adoption,
3 allowing the biological father ~~45~~30 days after service to assert a claim that his consent is
4 required.

5 (b) The notice required under subsection (a) of this section shall contain the special
6 proceeding case caption and file number and shall be substantially similar to the following
7 language:

8 "[Name of the biological mother], the biological mother, is expected to give birth to a child
9 on or about [birth due date]. You have been identified as the biological father. It is the intention
10 of the biological mother to place the child for adoption. It is her belief that your consent to the
11 adoption is not required. If you believe your consent to the adoption of this child is required
12 pursuant to G.S. 48-3-601, you must notify the court in writing no later than ~~45~~30 days from
13 the date you received this notice that you believe your consent is required. A copy of your
14 notice to the court must also be sent to the person or agency that sent you this notice. If you fail
15 to notify the court within ~~45~~30 days that you believe your consent is required, the court will
16 rule that your consent is not required."

17 (c) If the biological father fails to respond within the time required, the court shall enter
18 an order that the biological father's consent is not required for the adoption. A biological father
19 who fails to respond within the time required under this section is not entitled to notice under
20 G.S. 48-2-401(c) of an adoption petition filed within three months of the birth of the minor or
21 to participate in the adoption proceeding.

22 (d) If the biological father notifies the court within ~~45~~30 days of his receipt of the
23 notice required by subsection (a) of this section that he believes his consent to the adoption is
24 required, on motion of the petitioner, the court shall hold a hearing to determine whether the
25 consent of the biological father is required. Promptly on receipt of the petitioner's motion, the
26 court shall set a date for the hearing no earlier than 60 days ~~nor later than 70 days~~ after the
27 biological father received the notice required by subsection (a) of this section and shall notify
28 the petitioner and the biological father of the date, time, and place of the hearing. The notice of
29 hearing to the biological father shall include a statement substantially similar to the following:

30 "To the biological father named above: You have told the court that you believe your
31 consent is necessary for the adoption of the child described in the notice sent to you earlier.
32 This hearing is being held to decide whether your consent is in fact necessary. Before the date
33 of the hearing, you must have taken steps under G.S. 48-3-601 to establish that your consent is
34 necessary or this court will decide that your consent is not necessary and the child can be
35 adopted without it."

36 During the hearing, the court may take such evidence as necessary and enter an order
37 determining whether or not the consent of the biological father is necessary. If the court
38 determines that the consent of the biological father is not required, that individual is not entitled
39 to receive notice under G.S. 48-2-401(c) of an adoption petition filed within three months of
40 the birth of the minor or to participate in the adoption proceeding.

41 (e) The manner of service under this section shall be the same as set forth in
42 G.S. 48-2-402.

43 (f) The jurisdiction provisions of Article 6A of Chapter 1 of the General Statutes and
44 the venue provisions of Article 7 of Chapter 1 of the General Statutes rather than the provisions
45 of Part 1 of this Article apply to proceedings under this section.

46 (g) Computation of periods of time provided for in this section shall be calculated as set
47 forth in G.S. 1A-1, Rule 6.

48 (h) Transfer under G.S. 1-301.2 and appeal under G.S. 1-279.1 shall be as for an
49 adoption proceeding.

1 (i) A determination by the court under this section that the consent of the biological
2 father is not required shall only apply to an adoption petition filed within three months of the
3 birth of the minor."

4 **SECTION 5.** G.S. 48-2-401(f) reads as rewritten:

5 "(f) A notice required under this section must state that the person served must file a
6 response to the petition within 30 days after service or, if service is by publication, 40 days
7 after first publication of the notice, in order to participate in and to receive further notice of the
8 proceeding, including notice of the time and place of any hearing."

9 **SECTION 6.** G.S. 48-3-202(b) reads as rewritten:

10 "(b) Information about a prospective adoptive parent shall be provided to a prospective
11 placing parent or guardian by the prospective adoptive parent, the prospective adoptive parent's
12 attorney, or a person or entity assisting the parent or guardian. Except as otherwise provided in
13 this subsection, this information shall include the preplacement assessment prepared pursuant
14 to Part 3 of this Article, and may include additional information requested by the parent or
15 guardian. The agency preparing the preplacement assessment may redact from the
16 preplacement assessment ~~provided to a placing parent or guardian detailed information~~
17 ~~reflecting the prospective adoptive parent's financial account balances and detailed information~~
18 ~~about the prospective adoptive parent's extended family members, including surnames, names~~
19 ~~of employers, names of schools attended, social security numbers, telephone numbers and~~
20 ~~addresses, and other similarly detailed information about extended family members obtained~~
21 ~~under G.S. 48-3-303 the information described in G.S. 48-3-303(c)(12)."~~

22 **SECTION 7.** G.S. 48-3-301(b) reads of rewritten:

23 "(b) A preplacement assessment is not required in an independent adoption when a
24 ~~parent or guardian places a minor directly with~~ prospective adoptive parent is a grandparent, full
25 or half sibling, first cousin, aunt, uncle, great-aunt, great-uncle, or great-grandparent of the
26 minor."

27 **SECTION 8.** G.S. 48-3-603(a)(7) reads as rewritten:

28 "(a) Consent to an adoption of a minor is not required of a person or entity whose
29 consent is not required under G.S. 48-3-601, or any of the following:

30 ...

31 (7) An individual listed in G.S. 48-3-601 who has not executed a consent or a
32 relinquishment and who fails to respond to a notice of the adoption
33 proceeding within 30 days after the service of the notice or, if service is by
34 publication, 40 days from the first publication of the notice.

35"

36 **SECTION 9.** G.S. 48-3-605(b) reads as rewritten:

37 "(b) A parent who has not reached the age of 18 years shall have legal capacity to give
38 consent to adoption and to release that parent's rights in a child, and shall be as fully bound as if
39 the parent had attained 18 years of age. In addition to other methods of identification permitted
40 by Chapter 10B of the General Statutes or other applicable law, a parent who has not reached
41 the age of 18 years may be identified to an individual authorized to administer oaths or take
42 acknowledgements by an affidavit of an adult relative of the minor parent, a teacher, a licensed
43 professional social worker, or a health service provider."

44 **SECTION 10.** G.S. 48-3-606(2) reads as rewritten:

45 **"§ 48-3-606. Content of consent; mandatory provisions.**

46 A consent required from a minor to be adopted, a parent, or a guardian under G.S. 48-3-601
47 must be in writing and state each of the following:

48 ...

49 (2) The name, date of birth, and permanent ~~address~~ address, if any, and if none,
50 the current mailing address, of the individual executing the consent."

51 **SECTION 11.** G.S. 48-3-703(a)(2) reads as rewritten:

1 "(a) A relinquishment executed by a parent or guardian under G.S. 48-3-701 must be in
2 writing and state the following:

3 ...
4 (2) The name, date of birth, and permanent ~~address~~address, if any, and if none,
5 the current mailing address, of the individual executing the relinquishment."

6 **SECTION 12.** Sections 4, 5, and 8 of this act are effective when they become law
7 and apply to proceedings filed after that date. The remainder of this act is effective when it
8 becomes law.